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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/964,656

09/28/2001

Takashi Kise

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EXAMINER

MENBERU, BENIYAM

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/964,656

**Applicant(s)**

KISE, TAKASHI

**Examiner**

Beniyam Menberu

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/23/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Figure 6, reference characters 63-65 are not mentioned in the specification. In Figure 9, reference characters 93-96 are not mentioned in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 7, 8, 11, 12, 13, 14, 17, 18, 19, 20, 23, 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 5920405 to McIntyre et al.

Regarding claims 1, 11, 17, and 23, Ohno disclose a controller, method, and program (column 8, lines 1-5) which can transmit data for performing calibration of an image forming apparatus to the image forming apparatus (column 5, lines 1-12), comprising:

memory means for storing information showing that the calibration of said image forming apparatus is being executed (column 9, lines 10-20); and  
job managing means for assigning a job (column 8, lines 19-26). However Ohno does not disclose assigning a job assigned to the image forming apparatus whose calibration is being executed to another image forming apparatus.

McIntyre et al disclose a printer device which goes off line during calibration and does not accept print jobs (column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33).)

Ohno and McIntyre et al are combinable because they are in the similar problem area of printer calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the off line capability of printer during calibration as taught by McIntyre et al with the system of Ohno to implement an efficient print network system.

The motivation to combine the reference is clear because print job time can interrupt the calibration of printers as taught by McIntyre et al (column 3, lines 65-67).

Regarding claim 2, Ohno in view of McIntyre et al teach all the limitations of claim 1. Further Ohno in view of McIntyre et al disclose a controller according to claim 1, wherein said image forming apparatus is a printer (column 4, lines 60-65), and said job managing means assigns a job for instructing to print which was assigned to a printer whose calibration is being executed to another printer (Ohno: column 8, lines 19-21; McIntyre et al: column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33). ).

Regarding claim 3, Ohno in view of McIntyre et al teach all the limitations of claim 1. Further Ohno in view of McIntyre et al disclose a controller according to claim 1, wherein said image forming apparatus is a copier having a function for reading an image, and said job managing means assigns a job for instructing to print and a job for instructing to read the image which were assigned to a copier whose calibration is being executed to another copier (Ohno: column 12, lines 23-27; McIntyre et al: column 3, lines 63-67; column 4, lines 8-15: Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33).

Regarding claims 4, 14, 20, and 26, Ohno in view of McIntyre et al teach all the limitations of claims 1, 11, 17, and 23 respectively. Further Ohno in view of McIntyre et al disclose a controller, method, and program, wherein said calibration is a process for

stabilizing an output density fluctuation due to a difference among image forming apparatuses or due to an environmental change in temperature or humidity (Ohno: column 11, lines 43-50).

Regarding claim 7, Ohno in view of McIntyre et al disclose an image forming system in which a plurality of image forming apparatuses (Ohno: column 12, lines 30-33) and a controller which can transmit data for performing calibration of the image forming apparatus to the image forming apparatus are connected (Ohno: column 5, lines 1-12), wherein said controller comprises:  
memory means for storing information showing that the calibration of said image forming apparatus is being executed (Ohno: column 9, lines 10-20); and  
job managing means for assigning a job assigned to the image forming apparatus whose calibration is being executed to another image forming apparatus (Ohno: column 8, lines 19-26; McIntyre et al: column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33)).

Regarding claim 8, Ohno in view of McIntyre et al teach all the limitations of claim 7. Further Ohno discloses a system according to claim 7, wherein said calibration is a process for stabilizing an output density fluctuation due to a difference among image forming apparatuses or due to an environmental change in temperature or humidity (Ohno: column 11, lines 43-50).

Regarding claims 12, 18, and 24, Ohno in view of McIntyre et al teach all the limitations of claims 11, 17, and 23 respectively. Further Ohno in view of McIntyre et al

disclose a method and program, wherein when said image forming apparatus is a printer (McIntyre et al: column 3, lines 64-67), a job for instructing to print which was assigned to a printer whose calibration is being executed is assigned to another printer (McIntyre et al: column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33)).

Regarding claims 13, 19, and 25, Ohno in view of McIntyre et al teach all the limitations of claim 11, 17, and 23 respectively. Further Ohno in view of McIntyre et al disclose a method and program, wherein when said image forming apparatus is a copier having a function for reading an image (McIntyre et al: column 2, lines 46-47), a job for instructing to print and a job for instructing to read the image which were assigned to a copier whose calibration is being executed are assigned to another copier (McIntyre et al: column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33)).

4. Claims 5, 9, 15, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 5920405 to McIntyre et al further in view of U.S. Patent No. 6048117 to Banton.

Regarding claim 5, Ohno in view of McIntyre et al teach all the limitations of claim 1. Ohno discloses a controller according to claim 1, further comprising control means for outputting print data for performing the calibration of the image forming apparatus to the image forming apparatus (column 10, lines 32-35; column 11, lines 51-

52). However Ohno does not disclose a controller for calculating calibration data from a measurement result of a printed matter, and outputting print data indicative of said calibration data to the image forming apparatus.

Banton discloses a controller for calculating calibration data from a measurement result of a printed matter, and outputting print data indicative of said calibration data to the image forming apparatus (column 4, lines 6-15, lines 30-45).

Ohno, McIntyre et al, and Banton are combinable because they are in the similar problem area of print calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration data calculation of Banton with the print calibration system of Ohno in view of McIntyre et al to implement print calibration calculation external to the printer.

The motivation to combine the reference is clear because Banton teaches that the system can be used to interpret printed matter so as to recalibrate the printer (column 2, lines 35-48).

Regarding claims 9, 15, 21, and 27, Ohno in view of McIntyre et al teach all the limitations of claims 7, 11, 17, and 23 respectively. Further Ohno in view of McIntyre et al further in view of Banton disclose a system, method, and program, wherein said controller further has control means for outputting print data for performing the calibration of the image forming apparatus to the image forming apparatus (Ohno: column 10, lines 32-35; column 11, lines 51-52), calculating calibration data from a measurement result of a printed matter, and outputting print data indicative of said

calibration data to the image forming apparatus and said image forming apparatus has printing means for printing on the basis of the print data for executing the calibration (Banton: column 4, lines 6-15, lines 30-45 ).

5. Claims 6, 10, 16, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 5920405 to McIntyre et al further in view of U.S. Patent No. 5802260 to Shimakawa et al.

Regarding claims 6, 10, 16, 22, and 28, Ohno in view of McIntyre et al teach all the limitations of claims 1, 7, 11, 17, and 23 respectively. Further Ohno in view of McIntyre et al teach that during calibration print job can be transferred to another printer (Ohno: column 8, lines 19-21;McIntyre et al: column 3, lines 63-67; Since a printer in calibration cannot accept print jobs as taught by McIntyre et al it would be obvious to transfer the job to another printer in the system of Ohno (column 12, lines 30-33).). However Ohno in view of McIntyre et al does not disclose a system, method, program and controller, wherein said memory means stores a job and an identifier indicative of the image forming apparatus to which said job has been assigned so as to correspond to each other, and said job managing means changes the identifier corresponding to the job assigned to the image forming apparatus whose calibration is being executed to an identifier of another image forming apparatus.

Shimakawa et al disclose a controller according to claim 1, wherein said memory means stores a job and an identifier indicative of the image forming apparatus

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to which said job has been assigned so as to correspond to each other (column 4, lines 22-25; column 5, lines 55-62),

and said job managing means changes the identifier corresponding to the job assigned to the image forming apparatus to an identifier of another image forming apparatus (column 9, lines 20-30).

Ohno, McIntyre et al, and Shimakawa et al are combinable because they are in the similar problem area color print calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the job identifying system of Shimakawa et al with the system of Ohno in view of McIntyre et al to implement print job identification and transferring of identification.

The motivation to combine the reference is clear because when there are multiple printers print jobs have to include data corresponding to the selected printer and capability for adjusting the selected printer identification in case of a transfer.

#### ***Other Prior Art Cited***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5950036 to Konishi disclose image processor with calibration control.

U.S. Patent Application Publication No. US 2003/0090688 A1 to Kimura image processor with density correction.

U.S. Patent Application Publication No. US 2003/0011805 A1 to Yacoub  
disclose a printer with print job routing.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (703) 306-3441. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Patent Examiner***

Beniyam Menberu

BM

03/16/2005

*KA Williams*

KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER